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January 14, 2002

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PUBLIC INSPECTION**

JAN 14 2002

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Fifth Floor  
Washington, D.C. 20554

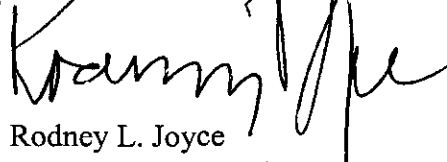
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: CC Docket No. 01-347

Dear Ms. Salas:

Enclosed for filing are (a) one original of the unredacted Opposition of Network Access Solutions ("Opposition") and (b) one original and two copies of the redacted Opposition.

Sincerely,



Rodney L. Joyce  
Counsel for Network Access Solutions Corp.

Attachment

No. of Copies rec'd 0+2  
List ABCDE

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

## OPPOSITION OF NETWORK ACCESS SOLUTIONS CORPORATION

According to Section 271 (c)(2)(B)(II) of the Communications Act of 1934, as amended (the Act),<sup>1</sup> Verizon New Jersey is required to provide nondiscriminatory access to network elements. As the information provided below clearly demonstrates, Verizon continues to discriminate in favor of its own customers in several significant areas.

<sup>147</sup> U.S.C. §271(c)(2)(B)(II)

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For example, information reported by Verizon to NAS in its November 2001 Carrier-to-Carrier Report for New Jersey demonstrates that Verizon missed \_\_\_% more appointments for NAS customers than Verizon missed for its own customers. Similarly, the standard interval for Verizon dispatch is \_\_\_% worse for NAS customers than for Verizon's own customers.

		Actual Performance		Number of Observations		Discriminatory Variance
		VZ	NAS Aggregate	VZ	NAS Aggregate	
	PR-4 - Missed Appointments					
PR-4-03-3341	% MA – Customer	-	-	-	-	-
PR-4-10-3341	% MA – VZ – Std. Interval (W Coded) Orders – Dispatch	-	-	-	-	-

	PR-6 - Installation Quality					
PR-6-01-3341	% Installation Troubles reported within 30 Days	-	-	-	-	-
PR-6-03-3341	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE	-	-	-	-	-

Also, as the following data demonstrates (also taken from the November Carrier-to Carrier Report for New Jersey), Verizon continues to provide more favorable maintenance (i.e., mean time to repair) to its own customers. For example, in November, according to Verizon's own numbers, the "Network Trouble Report Rate" for NAS was

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\_\_\_% worse than for its own customers. Additionally, Verizon's "Total Mean Time to Repair" was \_\_\_% worse for NAS customers than for Verizon customers, the "Percent Out-of -Service for more than 12 hours" was \_\_\_% higher for NAS customers than for Verizon's own customers, and NAS' "Repeat Reports within 30 days" exceeded Verizon's own customers by more than \_\_\_%.

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		Actual Performance		Number of Observations		Discriminatory Variance
		VZ	NAS Aggregate	VZ	NAS Aggregate	
	MR-2 - Trouble Report Rate					
MR-2-02-3341	Network Trouble Report Rate – Loop	-	-	-	-	-
MR-2-03-3341	Network Trouble Report Rate – Central Office	-	-	-	-	-
MR-2-05-3341	% CPE/TOK/FOK Trouble Report Rate	-	-	-	-	-

	MR-4 - Trouble Duration Intervals					
MR-4-01-3341	Mean Time To Repair – Total	-	-	-	-	-
MR-4-02-3341	Mean Time to Repair - Loop Trouble	-	-	-	-	-
MR-4-07-3341	% Out of Service > 12 hours	-	-	-	-	-

	MR-5 - Repeat Trouble Reports					
MR-5-01-3341	% Repeat Reports within 30 Days	-	-	-	-	-

Complex Services - 2  
Wire xDSL Loops

	MR-2 - Trouble Report Rate					
MR-2-02-3342	Network Trouble Report Rate – Loop	-	-	-	-	-

	MR-4 - Trouble Duration Intervals					
MR-4-07-3342	% Out of Service > 12 hours	-	-	-	-	-

Verizon's continued preference for its own customers in both provisioning and maintenance of circuits is contrary to both the intent and the requirements of Section 271

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of the Act. Congress correctly recognized that without nondiscriminatory provisioning and maintenance, competitors cannot effectively compete against the monopoly incumbent. Verizon's own data demonstrates that Verizon has not complied with Section 271 (c)(2)(B)(II) in the State of New Jersey. Verizon's Application for authority to provide in-region, interLATA services in the State of New Jersey should be denied.

Respectfully Submitted

NETWORK ACCESS SOLUTIONS CORP.



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January 14, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 2002, I mailed, true and correct copies of the redacted and unredacted Opposition of Network Access Solutions to:

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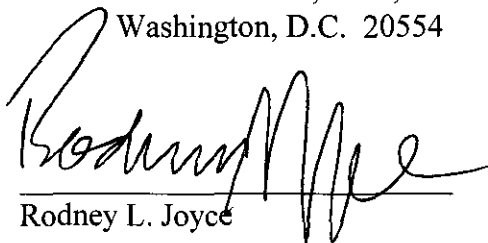
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